

CHAPTER 10-13-11

PURGING AND SEALING OF CRIMINAL HISTORY RECORD INFORMATION

Section

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| 10-13-11-01 | Court Order Required |
| 10-13-11-02 | Purging Limited |
| 10-13-11-03 | Access to Sealed Records |
| 10-13-11-04 | Methods of Sealing |

10-13-11-01. Court order required. Criminal history records, or portions thereof, may be purged or sealed only when expressly authorized by state or federal law and pursuant to a court order.

History: Effective November 1, 1987.

General Authority: NDCC 12-60-16.3

Law Implemented: NDCC 12-60-16.3

10-13-11-02. Purging limited. Purging must be accomplished so as to retain records or portions of records which are not the direct objective of a purge order. Agencies may destroy an entire record, including fingerprints, photos, and arrest and disposition data, or they may destroy only specific portions of a record to accomplish the required purge.

History: Effective November 1, 1987.

General Authority: NDCC 12-60-16.3

Law Implemented: NDCC 12-60-16.3

10-13-11-03. Access to sealed records. Criminal justice agencies may access sealed records for the following purposes:

1. Records management.
2. Review by the record subject.
3. Authorized research and statistical purposes.
4. Upon court order.

History: Effective November 1, 1987.

General Authority: NDCC 12-60-16.3

Law Implemented: NDCC 12-60-16.3

10-13-11-04. Methods of sealing. Records may be sealed by attaching a special marking to sealed files, or by removal from the general record file and storage in a separate, secured file. In automated systems, sealing will be

accomplished by limiting access to the sealed records or portions thereof to specific terminals or specifically authorized persons, or both.

History: Effective November 1, 1987.

General Authority: NDCC 12-60-16.3

Law Implemented: NDCC 12-60-16.3